

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNION DEL PUEBLO ENTERO, et
al.,

Plaintiff,

v.

GREGORY W. ABBOTT, et al.,

Defendants.

Case No: 5:21-cv-00844-XR

Consolidated Cases: *OCA-Greater Houston, et al. v. Jose A. Esparza, et al.*, No. 1:21-cv-780-XR; *Houston Justice, et al. v. Gregory Wayne Abbott, et al.*, No. 5:21-cv-848-XR; *LULAC Texas, et al. v. Jose Esparza, et al.*, No. 1:21-cv-0786-XR; *Mi Familia Vota, et al. v. Greg Abbott, et al.*, No. 5:21-cv-0920-XR.

**MOTION OF FOUNDATION FOR GOVERNMENT ACCOUNTABILITY FOR LEAVE TO
PARTICIPATE AS *AMICUS CURIAE* AND FILE BRIEF**

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**pro hac vice admission pending*

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MOTION OF FOUNDATION FOR GOVERNMENT ACCOUNTABILITY FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE* AND FILE BRIEF

The Foundation for Government Accountability (“FGA”) respectfully moves for leave to participate as *amicus curiae* and to file the brief appended hereto as Attachment 1 in support of Defendant's Motions to Dismiss Plaintiffs’ Complaints. In support of its Motion, FGA shows the Court the following:

1. FGA is a nonpartisan, nonprofit organization that helps millions achieve the American dream by improving election integrity policy at the state and federal levels. Launched in 2011, FGA promotes policy reforms that seek to free individuals from government dependence, restore dignity and self-sufficiency, and empower individuals to take control of their futures, including through free and fair elections that inspire confidence and encourage participation. FGA has a history of providing *amicus curiae* briefs in similar matters, including a brief filed recently before the Federal Court in the Northern District of Georgia in *U.S. v. Georgia* in defense of Georgia’s election integrity law.

2. Courts have inherent authority and broad discretion in permitting participation by *amicus curiae*, even if their participation is opposed by one or more parties. Permitting the filing of an *amicus* brief is especially appropriate when “the *amicus* has unique information or perspective that can help the court” beyond what the parties are able to provide. *See, e.g., Halo Wireless, Inc. v. Alenco Communs. Inc.* 684 F.3d 581, 596 (5th Cir. 2012).

3. As a non-partisan, non-profit organization that focuses on election integrity issues across the nation as part of its core mission, FGA is in a unique position to provide the Court with insights and perspectives not available from the Parties to the pending action. The proposed *amicus* brief, while supportive of Defendant’s position, is not duplicative of Defendant’s

filing, but rather provides a broader and more national perspective on the issues raised.

4. In this case, the State of Texas has passed a law that includes several election reforms aimed at striking a proper balance between making it easy to vote, but hard to cheat. Texas's election reforms are similar to many being enacted around the country. Now, Plaintiffs have stepped in, bringing significant resources to oppose these commonsense state reforms, and this case has national and constitutional implications beyond its own merits.

5. FGA has a significant interest in this case, as it directly implicates a significant part of FGA's core mission, the passage of commonsense election integrity reforms. FGA has filed *amicus* briefs in the past in support of election integrity, including a recently filed brief in the Northern District of Georgia in support of Georgia's commonsense election integrity law. Accordingly, FGA seeks the Court's leave to participate and file this *amicus* brief.

6. The *amicus* brief of FGA is timely filed.

7. All Defendants/Intervenor Defendants and Plaintiffs, except for the Mi Familia Plaintiffs, are unopposed to FGA's participation as *amicus curiae*.

8. For the foregoing reasons, FGA respectfully requests that this Court grant leave to permit its participation as *amicus curiae* and the filing of this Motion, and its *amicus* brief appended to this Motion.

Respectfully submitted this 29th day of October, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2021, I electronically filed a true and correct copy of the foregoing MOTION OF FOUNDATION FOR GOVERNMENT ACCOUNTABILITY (FGA) TO PARTICIPATE AS *AMICUS CURIAE* AND FILE A BRIEF IN SUPPORT OF DEFENDANT with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

RESPECTFULLY SUBMITTED, this 29th day of October, 2021

/s/Donna Garcia Davidson

TX State Bar #00783931